

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 26, 2003

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and D. Nolan,
Deputy Clerk.

Each of the following:

B155075 Lasar, et al. v. FSR Brokerage
B158747 in re K.M./DCFS v. L.M.
B159539 In re Dareese B./DCFS v. Becky B.
B159730 In re Jordy A./DCFS v. Mario A.
B161111 In re Ariana M./DCFS v. Leo M.

Argument waived, cause submitted.

B158006 Vicki Acord
 v.
 Marcela Dominguez

Merits:

Argued by Helen Luetto for appellant and by Mark Connely for respondent.
Cause submitted.

B158006 Jospeh L. Shalant
 v.
 World Savings Bank, et al.

Merits:

Argued by Francis E. Quinlan for appellants and by Brian Yapko for
respondent. Cause submitted.

Ortega, J. leaves the bench.

DIVISION ONE (Continued)

B153530 Bryan Haney
 v.
 City of Los Angeles, et al.

Merits:
Argued by Diane Marchant for appellant and by Frederick N. Merkin for respondents. Cause submitted.

Ortega, J. returns to the bench.

B156941 Carolyn Harris
 v.
 Beverly Ann Colvin

Merits:
Argued by Stephen Gamber for appellant and by Daniel P. Barer for respondent. Cause submitted.

Mallano, J. leaves the bench.

B152778 Steven L. Baldwin
 v.
 Barry B. Kaufman, et al.

Merits:
Argued by Frances L. Diaz for appellant and by J. Patrick Fleming Jr. and by Barry Kaufman for respondent. Cause submitted.

Mallano, J. returns to the bench.

Ortega, J. leaves the bench.

DIVISION ONE (Continued)

B156776 Cosme Basurco, et al.
 v.
 21st Century Insurance Co.,

Merits:
Argued by Joel A. Cohen for appellant and by Kent Keller for respondent.
Cause submitted.

Ortega, J. returns to the bench.

B154888 Jessie Ortiz
 v.
 Foothill Transit Authority, et al.

Merits:
Argued by Robert J. Wheeler for appellant and by Jeffrey R. Marquart for respondents. Cause submitted.

Mallano, J. leaves the bench.

B153433 Leo Kohn
 v.
 Los Angeles County Superior Court

Merits:
Argued by Michael Hood for appellant and by David G. Geffen for respondent. Cause submitted.

Mallano, J. returns to the bench.

Spencer, J. leaves the bench.

DIVISION ONE (Continued)

B147478 Yahya Eshaghian, et al.
 v.
 Mousa Ghodsi, et al.

Merits:
Argued by Shelley Kaufman for appellant Nehorai, by Douglas Benedon for appellant Ghodsi and by Robert Shtofman for respondents. Cause submitted.

B153518 American First Run Studios
 v.
 Edgar Rice Burroughs, Inc.

Merits:
Argued by Bela G. Lugosi for appellant and by Patrick T. Perkins and by Adrian M. Pruetz for respondents. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Mallano, J. and D. Nolan, Deputy Clerk.

B154389 Candace Pendleton
 v.
 Barry I. Fireman

Merits:
Argued by Beryl Weiner for appellant and by Ira M. Friedman and James L. Keane for respondent. Cause submitted.

Ortega, J. assumes the bench.

Spencer, J. leaves the bench.

DIVISION ONE (Continued)

B151940 Wolfe Air Aviation, LTD., et al.
v.
Storm Bartling, et al.

Merits:

Argued by Gary A. Hamblet and John Cha for appellants and by Andre J. Cronthall for respondents. Cause submitted.

Court adjourned.

B150976 Retana (Not for Publication)
v.
1-800-Flowers Retail, Inc., et al

The judgment is affirmed. Respondent(s) to recover costs.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B159015 Patel (Not for Publication)
v.
Kazanjian et al

The appeal is dismissed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

March 26, 2003 (Continued)

DIVISION ONE (Continued)

B142868 Temi Milstein Treibatch (Not for Publication)

$$V.$$

Igal Treibatch

The order is modified to award appellant interest of 10 percent per annum, from the date of the entry of the judgment, on the \$7,923 unpaid balance of the property division equalizing payment ordered in the judgment. As modified, the order is affirmed. Respondent is to recover costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B162424 People (Not for Publication)

V.

Thompson, Jr.

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B154273 Adams (Certified for Publication)

V.

Explorer Insurance Company

Filed order certifying opinion for publication.

DIVISION TWO

B155510 Bitmayl (Not for Publication)
v.
Steiner et al.

The judgment based on the trial court's granting of summary judgment and summary adjudication of issues in favor of defendants is reversed. Respondents are ordered to bear appellant's costs of appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B157813	People v. Price	(Not for Publication)
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The judgment (order granting probation) is affirmed.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

B160635 Oswald (Not for Publication)
v.
Oswald

The order is affirmed. Respondent is awarded costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

March 26, 2003 (Continued)

DIVISION TWO (Continued)

B151774 Hughes Electronics Corporation, et al. (Not for Publication)
v.
Liberty Mutual Insurance Company

The judgment is affirmed. Costs on appeal are awarded to respondents.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

B159169 Ikpa (Not for Publication)
v.
Commission on Teacher Credentialing

The judgment is affirmed. Each party to bear their own costs.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

B158797 Mico Mag Co. (Not for Publication)
v.
World News Inc., et al.

The judgment in favor of respondents is reversed. Mico Mag awarded its costs on appeal.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

B148849 Mir
v.
Pomona Valley Hospital Medical Center et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B161268 People (Not for Publication)
v.
Beltran

The order denying the motion to set aside the no contest plea is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B150812 People (Not for Publication)
v.
Reed

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B158836 People (Not for Publication)
v.
Torres

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

March 26, 2003 (Continued)

DIVISION FOUR

B159034 People (Not for Publication)
v.
Howard

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

B157478 People (Not for Publication)
v.
Robinson

For the foregoing reasons, the judgment is reversed and the matter remanded for resentencing.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

DIVISION FIVE

B156068 John Delaney (Not for Publication)
v.
Warner-Lambert Company

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, J.

We concur: Turner, P.J.
Armstrong, J.

DIVISION FIVE (Continued)

B155272 Jerold Friedman (Certified for Publication)

v.
Merck & Co., Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

B129987 People (Not for Publication)

v.
Leroy Sunday

The judgment is reversed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B149142 Paul Bashkin (Not for Publication)

v.
David Frederickson, et al.

The dismissal of the third cause of action for breach of contract and fourth cause of action for fraud is reversed, but the trial court's order is affirmed in all other respects. All parties are to bear their own costs on appeal.

Mosk, J.

I concur: Turner, P.J.
I concur and dissent: Armstrong, J. (Opinion)

March 26, 2003 (Continued)

DIVISION FIVE (Continued)

B156756 People (Not for Publication)

V.

Lamon R. Huffman

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.

Grignon, J.

DIVISION SIX

B160166 Marian (Not for Publication)

V.

State of California

The judgments are affirmed. Costs to respondents.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

DIVISION EIGHT

B162800 People (Not for Publication)

V.

Mitchell

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.

Boland, J.

March 26, 2003 (Continued)

DIVISION EIGHT (Continued)

B156428 Johnson (Not for Publication)

$$\mathbf{V}_i$$

County Of Los Angeles

The judgment is affirmed. Each party to bear their own costs.

Cooper, P.J.

We concur: Rubin, J.

Boland, J.

B157685 People (Not for Publication)

V.

Kobayashi

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.

Boland, J.

B164180 Brant (Not for Publication)

V.

The Superior Court of Los Angeles County, Appellate Division
(City of Los Angeles , r.p.i.)

Brant's petition is granted with regard to those categories of documents we described. Let a peremptory writ of mandate issue directing the appellate division to (1) vacate its summary denial of January 8, 2003 and (2) issue a new order directing the trial court to vacate its denial of November 13, 2002 and enter a new order granting Brant's motion with regard to those categories of documents we described.

Boland, J.

We concur: Cooper, P.J.

Rubin, J.

DIVISION EIGHT (Continued)

B164371 In the Matter of the Adoption of Lucille Elizabeth Duga Sternbach,
An Adult Person.
Greenspan, et al.
v.
Lucille Elizabeth Duga Sternbach, aka Pat Gilmore

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed January 8, 2003) dismissed.

B156467 People
v.
Ramos

Filed order denying petition for rehearing.

B157494 People (Not for Publication)
v.
Barajas

The abstract of judgment should be amended to reflect as to Count 1, and in addition to and consecutive to the base term, a single ten-year sentence pursuant to section 12022.53, subdivision (b). The abstract should also strike the consecutive five-year sentences pursuant to "section 12025.2 (A)(1) and 12022.53(B) of the Penal Code." Further the abstract of judgment should be amended to reflect that the sentence on Count 6 is to be stayed pursuant to section 654. The clerk of the superior court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections. As amended, the judgment is affirmed. (People v. Ly (2001) 89 Cal.App.4th 44, 47.)

Cooper, P.J.

We concur: Rubin, J.
Boland, J.